

# Showing Current Law as Amended by H.R. 4389, the Migratory Birds of the Americas Conservation Enhancements Act of 2023

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## Section 4 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6103)

### (Sec. 4) §6103. Definitions

In this chapter:

#### [(1)] Fund

The term "Fund" means the Neotropical Migratory Bird Conservation Fund established by section 6108(a) of this title.<sup>1</sup>

#### [(2)] (1) Caribbean

The term "Caribbean" includes Puerto Rico and the United States Virgin Islands.

#### [(3)] (2) Conservation

The term "conservation" means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including-

- (A) protection and management of neotropical migratory bird populations;
- (B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;
- (C) research and monitoring;
- (D) law enforcement; and
- (E) community outreach and education.

#### [(4)] (3) Fund

The term "Fund" means the Neotropical Migratory Bird Conservation Fund established by section 6108(a) of this title.<sup>1</sup>

#### [(5)] (4) Secretary

The term "Secretary" means the Secretary of the Interior.

## Section 5 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6104)

### (Sec. 5) §6104. Financial assistance

#### (a) In general

The Secretary shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

#### (b) Project applicants

A project proposal may be submitted by-

- (1) an individual, corporation, partnership, trust, association, or other private entity;
- (2) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;
- (3) a State, municipality, or political subdivision of a State;

- (4) any other entity subject to the jurisdiction of the United States or of any foreign country; and
- (5) an international organization (as defined in [section 288 of title 22](#)).

**(c) Project proposals**

To be considered for financial assistance for a project under this chapter, an applicant shall submit a project proposal that-

(1) includes-

- (A) the name of the individual responsible for the project;
- (B) a succinct statement of the purposes of the project;
- (C) a description of the qualifications of individuals conducting the project; and
- (D) an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;

(2) demonstrates that the project will enhance the conservation of neotropical migratory bird species in the United States, Canada, Latin America, or the Caribbean;

(3) includes mechanisms to ensure adequate local public participation in project development and implementation;

(4) contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

(5) demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;

(6) describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds; and

(7) provides any other information that the Secretary considers to be necessary for evaluating the proposal.

**(d) Project reporting**

Each recipient of assistance for a project under this chapter shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.

**(e) Cost sharing**

**(1) Federal share**

The Federal share of the cost of each project shall be not greater than [\[25 percent\]](#) [33.3 percent](#).

**(2) Non-Federal share**

**(A) Source**

The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.

**(B) Form of payment**

**(i) Projects in the United States and Canada**

The non-Federal share required to be paid for a project carried out in the United States or Canada shall be paid in cash.

**(ii) Projects in Latin America and the Caribbean**

The non-Federal share required to be paid for a project carried out in Latin America or the Caribbean may be paid in cash or in kind.

## **Section 7 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6106)**

### **(Sec. 7) §6106. Cooperation**

#### **(a) In general**

In carrying out this chapter, the Secretary shall-

- (1) support and coordinate existing efforts to conserve neotropical migratory bird species, through-
  - (A) facilitating meetings among persons involved in such efforts;
  - (B) promoting the exchange of information among such persons;
  - (C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and
  - (D) conducting such other activities as the Secretary considers to be appropriate; and

(2) coordinate activities and projects under this chapter with existing efforts in order to enhance conservation of neotropical migratory bird species.

#### **(b) Advisory group**

##### **(1) In general**

To assist in carrying out this chapter, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds. The advisory group as a whole shall have expertise in the methods and procedures set forth in [section 6103\(2\) of this title](#) in each country and region of the Western Hemisphere.<sup>1</sup>

##### **(2) Public participation**

###### **(A) Meetings**

The advisory group shall-

- (i) ensure that each meeting of the advisory group is open to the public; and
- (ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

###### **(B) Notice**

The Secretary shall provide to the public timely notice of each meeting of the advisory group.

###### **(C) Minutes**

Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

##### **(3) Exemption from [chapter 10 of title 5](#)**

[Chapter 10 of title 5](#) shall not apply to the advisory group.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of the Migratory Birds of the Americas Conservation Enhancements Act of 2023, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the implementation of subsection (b) by the Secretary, which shall include, if applicable, a description of the composition of the advisory group convened under paragraph (1) of that subsection.

## Section 9 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6108)

### **(Sec. 9) §6108. Neotropical Migratory Bird Conservation Fund**

#### **(a) Establishment**

There is established in the Treasury a separate account, which shall be known as the "Neotropical Migratory Bird Conservation Fund". The Fund shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b).

#### **(b) Deposits into the Fund**

The Secretary of the Treasury shall deposit into the Fund-

- (1) all amounts received by the Secretary in the form of donations under subsection (d); and
- (2) other amounts appropriated to the Fund.

#### **(c) Use**

##### **(1) In general**

Subject to paragraph (2), the Secretary may use amounts in the Account,<sup>1</sup> without further Act of appropriation, to carry out this chapter.

##### **(2) Administrative expenses**

Of amounts in the Account <sup>1</sup> available for each fiscal year, the Secretary may expend not more than [3 percent or up to \$100,000] 4 percent or up to 200,000, whichever is greater, to pay the administrative expenses necessary to carry out this chapter.

#### **(d) Acceptance and use of donations**

The Secretary may accept and use donations to carry out this chapter. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

## Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109)

### **(Sec. 10) §6109. Authorization of appropriations**

#### **[(a) In general]**

There is authorized to be appropriated to carry out this chapter \$6,500,000 for each of fiscal years 2019 through 2023.]

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

- (1) for fiscal year 2024, \$6,500,000;
- (2) for fiscal year 2025, \$7,000,000;
- (3) for fiscal year 2026, \$8,000,000;
- (4) for fiscal year 2027, \$9,000,000; and
- (5) for fiscal year 2028, \$10,000,000.

#### **(b) Use of funds**

Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.